

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3 and 5-7 are currently pending. Claims 1-3 and 5-7 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-3 and 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,999,674 to Hamada (hereinafter “the ‘674 patent”) in view of U.S. Patent No. 6,064,380 to Swenson et al. (hereinafter “the ‘380 patent”); and Claims 1-3 and 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,079,757 to Saeki et al. (hereinafter “the ‘757 patent”) in view of the ‘380 patent.

Applicants respectfully submit that the rejections of the claims based on the ‘674 patent should be withdrawn because the ‘674 patent is not a valid prior art reference. The ‘674 patent names the same inventors as the present application. Further, Applicants note that the ‘674 patent was filed on February 22, 2000, and was issued as a patent on February 14, 2006. The present application entered the U.S. national stage on April 20, 2001. Accordingly, Applicants respectfully submit that the ‘674 patent does not qualify as prior art under 35 U.S.C. § 102(a) or § 102(e) since it is not “by another.” Further, Applicants respectfully submit that the ‘674 patent does not qualify as prior art under 35 U.S.C. § 102(b) as it was not published more than one year prior to the filing date of the present application. Accordingly, for the reasons stated above, Applicants respectfully submit that the ‘674 patent is not a valid prior art reference and the rejection of the claims based on the ‘674 patent should be withdrawn.

Amended Claim 1 is directed to an information processing apparatus comprising: (1) generating means for generating one or more PlayList files specifying a sequence of reproducing information recorded on a recording medium, and generating a management information file supervising the one or more PlayList files; and (2) recording means for recording said one or more PlayList files and said management information file, on said recording medium. Further, Claim 1 clarifies that the management information file contains a resume PlayList file name that indicates a name of a particular PlayList file whose playback has been terminated, and the particular PlayList file containing temporal information on a time point of the termination of the playback of the particular PlayList file. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 1 under 35 U.S.C. §103 as being unpatentable over the ‘757 and ‘380 patents, the Office Action asserts that the ‘757 patent discloses everything in Claim 1 with the exception of “means for generating a resume file,”<sup>1</sup> and relies on the ‘380 patent to remedy that deficiency.

The ‘757 patent is directed to an optical disk that includes a data area storing one or more video objects in a time map area storing time map information. The ‘757 patent discloses that each video object can include a plurality of video object units, and that the time map information includes a first time table and a second time table for each video object. See Figure 11 of the ‘757 patent. As shown in Figure 6, the ‘757 patent discloses an AV data management file along with various AV files. Further, Figure 9 shows details of the AV data management file and how the information relates to the various AV files.

However, Applicants respectfully submit that the ‘757 patent fails to disclose a management information file that includes a resume PlayList file name that indicates a name of a particular PlayList file whose playback has been terminated, as recited in amended Claim

---

<sup>1</sup> See page 6 of the outstanding Office Action.

1. In this regard, Applicants believe that the Office Action concedes that the ‘757 patent does not disclose such a file when the Office Action states that “Saeki fails to specifically teach means for generating a resume file.”<sup>2</sup> Further, Applicants respectfully submit that the ‘757 patent also does not disclose the one or more PlayList files specifying a sequence of reproducing information recorded on a recording medium, as recited in amended Claim 1. Rather, the ‘757 patent merely discloses one AV data management file. Thus, Applicants respectfully submit that the ‘757 patent fails to disclose both the one or more PlayList files and the management information file recited in amended Claim 1.

The ‘380 patent is directed to a method for processing multimedia file presentations in a network, including the steps of transmitting a first multimedia file from a server to a user terminal, playing the first multimedia file at the user terminal, receiving a terminate command input from the user terminal for terminating the transmitting of the first multimedia file, determining a terminate position within the first multimedia file, and saving a first multimedia file identification along with a terminate position in a persistent memory device connected with the network. In this regard, the ‘380 patent discloses that “the position at which the multimedia presentation was terminated may also be transferred to the server or other persistent memory location for storage in persistent memory associated with the multimedia file or with other user data.”<sup>3</sup>

However, Applicants respectfully submit that the ‘380 patent fails to disclose a management information file containing a resume PlayList file name that indicates a name of a particular PlayList file whose playback has been terminated, and that the particular PlayList file contains temporal information on a time point of determination of the playback of the particular PlayList file, as recited in amended Claim 1. While the ‘380 patent discloses that the position at which the multimedia presentation is terminated is stored in association with

---

<sup>2</sup> See page 6 of the outstanding Office Action.

<sup>3</sup> ‘380 patent, column 5, lines 3-7.

the title of the multimedia file, the ‘380 patent does not disclose both a management information file that contains a resume PlayList file name that indicates a name of the particular PlayList file whose playback has been terminated, and that the particular PlayList file contains the temporal information on a time point of the playback of the particular PlayList file, as required by Claim 1. Rather the ‘380 patent merely discloses that the multimedia filename and terminate position are stored.

Thus, no matter how the teachings of the ‘758 and ‘380 patents are combined, the combination does not teach or suggest the one or more PlayList files and the management information file containing a resume PlayList file name that indicates a name of a particular PlayList file whose playback has been terminated, and that the particular PlayList file contains the temporal information on a time point of the termination of the playback of the particular PlayList file, as recited in amended Claim 1. As discussed above, the ‘797 patent does not disclose both the one or more PlayList files and the management information file recited in Claim 1, and the ‘380 patent does not disclose that the particular PlayList file contains the temporal information on the time point of termination of the playback of the particular PlayList file. Thus, the ‘380 patent does not cure the deficiencies of the ‘757 patent, and the combined teachings of the cited references do not teach or suggest both files recited in Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 as being unpatentable over the combined teachings of the ‘757 and ‘380 patents.

Independent Claim 5 recites limitations analogous to the limitations recited in Claim 1. In particular, Claim 5 recites the management information file and the particular PlayList file having the temporal information, as recited in Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejection of Claim 5 as being unpatentable over the combined teachings of the ‘757 and ‘380 patents.

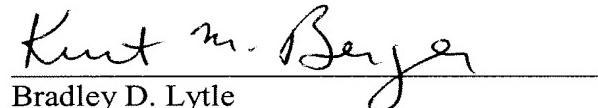
Since the combined teachings of the '757 and '380 patents fail to disclose generating the management information file and generating the one or more PlayList files, they must also fail to disclose the information processing method recited in Claims 2 and 6, as well as the recording medium having a computer readable program that performs similar steps recited in Claims 2 and 4, as disclosed in Claims 3 and 7. Accordingly, Applicants respectfully traverse the rejection of Claims 2, 3, 6, and 7 as being unpatentable over the combined teachings of the '757 and '380 patents.

Thus, it is respectfully submitted that independent Claims 1-3 and 5-7 patentably define over any proper combination of the '674, '380, and '757 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Kurt M. Berger  
\_\_\_\_\_  
Kurt M. Berger, Ph.D.  
Registration No. 51,461

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)  
KMB/rac